



Conviction of political activist for insulting the French President infringed his freedom of expression

In today's Chamber judgment in the case of [Eon v. France](#) (application no. 26118/10), which is not final,¹ the European Court of Human Rights held, by a majority, that there had been:

a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

The case concerned the applicant's conviction for insulting the President of France. During a visit by the President to the *département* of Mayenne, the applicant had waved a placard reading "*Casse toi pov'con*" ("Get lost, you sad prick"), a phrase uttered by the President himself several months previously.

The Court held that criminal penalties for conduct such as that displayed by the applicant were likely to have a chilling effect on satirical contributions to discussion of matters of public interest, such discussion being fundamental to a democratic society.

Principal facts

The applicant, Hervé Eon, is a French national who was born in 1952 and lives in Laval (France).

On 28 August 2008, during a visit to Laval by the President of France, the applicant waved a small placard reading "*Casse toi pov'con*" ("Get lost, you sad prick"), an allusion to a much publicised phrase which the President himself had uttered on 23 February 2008 at the International Agricultural Show in response to a farmer who had refused to shake his hand. The phrase had given rise to extensive comment and media coverage and had been widely circulated on the Internet and used as a slogan at demonstrations.

On 6 November 2008 the Laval *tribunal de grande instance* found Mr Eon guilty of insulting the President of France, an offence under the Freedom of the Press Act of 29 July 1881, and fined him 30 euros, a penalty which was suspended. The court found, in particular, that by repeating the phrase in question, the applicant had clearly intended to cause offence to the head of State. Its judgment was upheld on 24 March 2009 by the Angers Court of Appeal, which held that Mr Eon, a Socialist activist and former elected representative in the *département* of Mayenne, could not claim to have been acting in good faith, since he had told the court that he had been feeling bitter at the time of the events because several days previously his long-running campaign in support of a Turkish family residing unlawfully in France had ended in failure. An appeal on points of law by the applicant was declared inadmissible by the Court of Cassation.

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Complaints, procedure and composition of the Court

Relying on Article 10, the applicant complained, in particular, that his conviction for insulting the President of France had infringed his freedom of expression.

The application was lodged with the European Court of Human Rights on 12 April 2010.

Judgment was given by a Chamber of seven judges, composed as follows:

Mark **Villiger** (Liechtenstein), *President*,
Ann **Power-Forde** (Ireland),
Ganna **Yudkivska** (Ukraine),
André **Potocki** (France),
Paul **Lemmens** (Belgium),
Helena **Jäderblom** (Sweden),
Aleš **Pejchal** (the Czech Republic),

and also Claudia **Westerdiek**, *Section Registrar*.

Decision of the Court

Article 10

The Court considered that the applicant's conviction had amounted to "interference by public authority" with his right to freedom of expression. The interference had been prescribed by the Freedom of the Press Act of 29 July 1881 and had pursued the legitimate aim of "protection of the reputation ... of others".

While accepting that the phrase in issue, taken literally, was offensive to the French President, the Court considered that it should be examined within the overall context of the case.

The Court focused on the balance to be struck between the restriction of Mr Eon's freedom of expression and the free discussion of matters of public interest.

The Court considered that the applicant's repetition of the phrase uttered by the President had not targeted the latter's private life or honour; nor had it simply amounted to a gratuitous personal attack against him. Instead, the Court took the view that Mr Eon's criticisms had been political in nature, noting that the Court of Appeal had established a link between his political stance and the very nature of the phrase he had used. There was therefore little scope under Article 10 for restrictions on freedom of expression in the political sphere. The Court reiterated that politicians inevitably and knowingly laid themselves open to close public scrutiny of their words and deeds and consequently had to display a greater degree of tolerance towards criticism directed at them.

Furthermore, by echoing an abrupt phrase that had been used by the President himself and had attracted extensive media coverage and widespread public comment, much of it humorous in tone, Mr Eon had chosen to adopt a satirical approach. Since satire was a form of expression and comment that naturally aimed to provoke and agitate, any interference with the right to such expression had to be examined with particular care. Criminal penalties for conduct such as that displayed by Mr Eon were likely to have a chilling effect on satirical contributions to discussion of matters of public interest, and such discussion was fundamental to a democratic society.

The criminal penalty imposed on Mr Eon had thus been disproportionate to the aim pursued and unnecessary in a democratic society. There had therefore been a violation of Article 10.

Just satisfaction (Article 41)

The Court held that the finding of a violation of Article 10 constituted sufficient just satisfaction for the non-pecuniary damage sustained by the applicant.

Separate opinions

Judge Power-Forde expressed a partly dissenting opinion, Judge Yudkivska made a declaration and Judge Pejchal expressed a partly dissenting opinion. These opinions are annexed to the judgment.

The judgment is available only in French.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en.

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Denis Lambert (tel: + 33 3 90 21 41 09)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Nina Salomon (tel: + 33 3 90 21 49 79)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.